

ZB# 01-36

Lucas / Bothwell

54-1-25.22

#01-36-lucas/Bothwell

Area- 54-1-25.22

Prelim.

July 9, 2001.
Aps. furnished

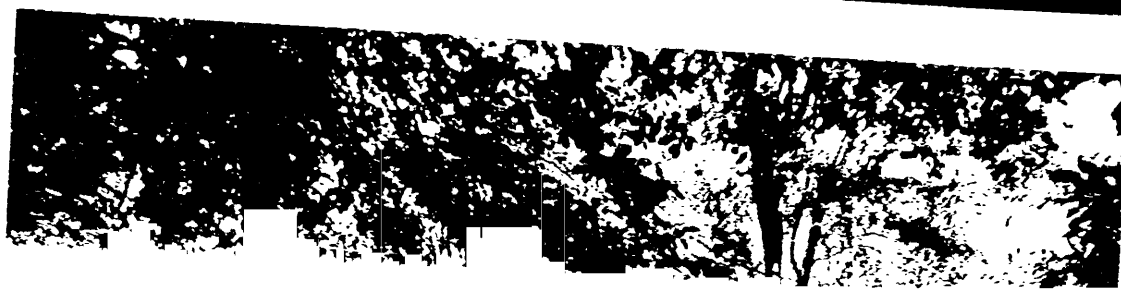
Need Amended
NOD before
Sched. P. H.

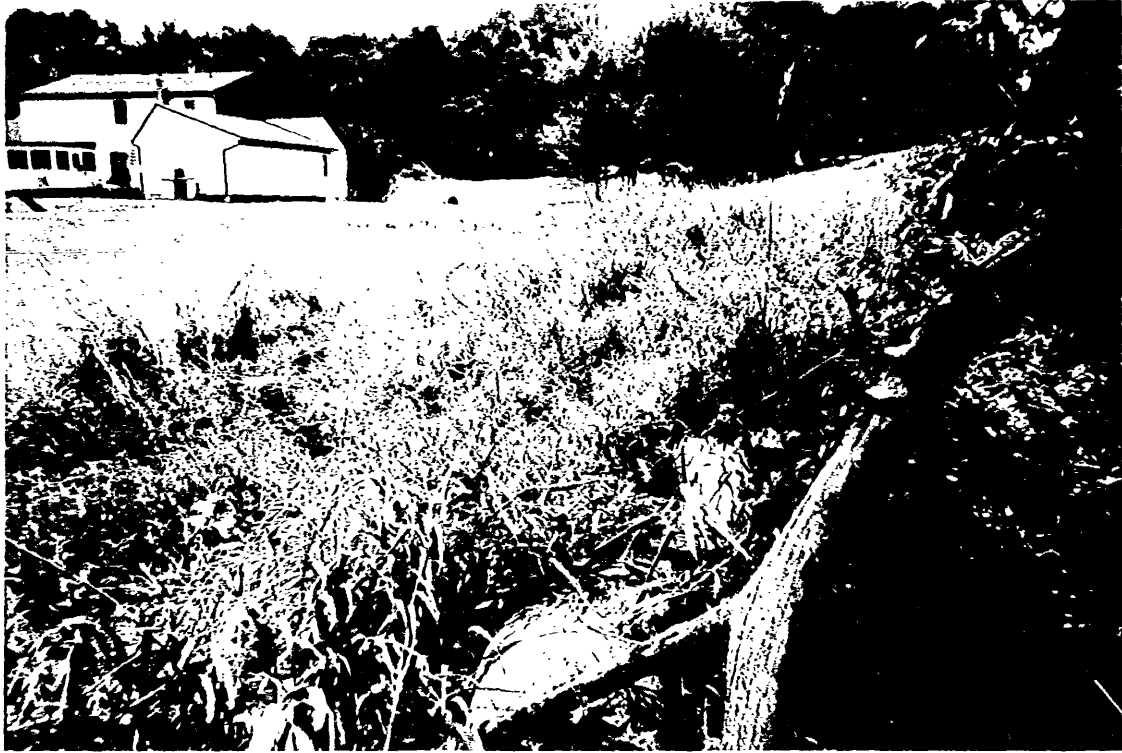
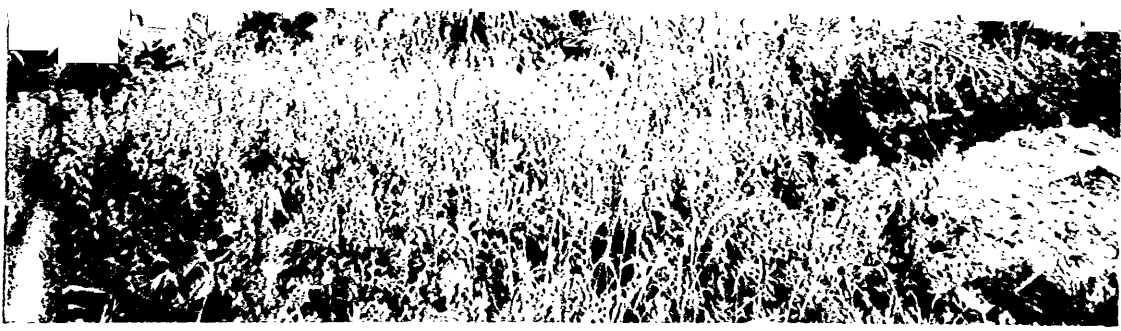
Public Hearing:

Aug. 13, 2001.

Granted

Refund: \$198.50





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Boithwell

FILE# 01-36

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

* * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*paid ck. 2475
7/27/01*

*paid ck. 2476
7/27/01*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/23/01-4 \$ 18.00
2ND PRELIMINARY- PER PAGE .. 8/13/01-3 \$ 13.50
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 7/23/01 \$ 35.00
2ND PRELIM. 8/13/01 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 101.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. \$ 198.50

Date 7/24/01.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO James W. Bothwell DR.
385 Mt. Airy Rd., New Windsor, N.Y. 12553

[illegible]

James W. Bothwell 10-97
Karen M. Bothwell
385 Mt. Airy Rd. 845-567-9739
New Windsor, NY 12553

2476

Date July 27, 2001

50-593/219
302

Pay to the
Order of

Town of New Windsor
Three Hundred

\$ 300.00

Dollars



KeyBank National Association
Vails Gate, New York 12584
1-800-KEY2YOU

For 2BA #01-36

James W. Bothwell

⑆021906934⑆ 323020021024⑆ 2476

WALSH'S PHOTOGRAPHY

James W. Bothwell 10-97
Karen M. Bothwell
385 Mt. Airy Rd. 914-567-9739
New Windsor, NY 12553

2475

Date *July 27, 2001*

50-693/219
302

Pay to the
Order of

Town of New Windsor

\$ 50.⁰⁰/₁₀₀



Gay, Lesbian, Bisexual, and Transgender National Association
Village Green, New York 12584
1-800-695-7289

For

2001 #01-36

James W. Bothwell

⑆021906934⑆ 323020021024 2475

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#706-2001**

07/27/2001

Bothwell, James W. *Zoning Board #01-36*

**Received \$ 50.00 for Zoning Board Fees on 07/27/2001. Thank you for stopping by
the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

-----X
In the Matter of the Application of

JAMES BOTHWELL,

MEMORANDUM OF
DECISION GRANTING

AREA VARIANCES

#01-36.
-----X

WHEREAS, JAMES BOTHWELL, 385 Mt. Airy Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 19.04 ft. lot width and 5.85 ft. side yard/total side yard variance for construction of a single-family residence on Mt Airy Road in an R-1 zone; and

WHEREAS, a public hearing was held on the 13th day of August, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, none of the spectators spoke in favor of or in opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
 - (a) The property is a vacant parcel located in a neighborhood of one-family home.
 - (b) Applicant seeks a variance to construct a single-family residence.
 - (c) Since the property is located in a residential neighborhood, the proposed construction will be consistent with the neighborhood.

- (d) The proposed construction of the residence will be in line with the other homes in the area and will appear consistent with those homes.
- (e) The proposed construction will not create any water hazards, ponding or collection of water.
- (f) The proposed construction will not be located on the top of any well or septic system or any water or sewer easement.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are not substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is not self-created.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

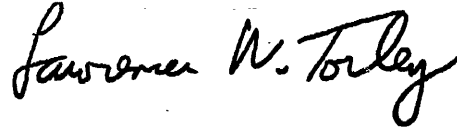
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 19.04 ft. lot width and 5.85 ft. side yard/total side yard for construction of a single-family residence on Mt. Airy Road in an R-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicants.

Dated: November 26, 2001.

A handwritten signature in cursive script, reading "Lawrence W. Torley". The signature is written in dark ink and is positioned above a horizontal line.

Chairman

Date 9/24/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
8/13/01	Zoning Board Mtg		75 00	
	Mrs. - 3			
	Rodriguez - 2			
	Viera - 2			
	Centelin - 1			
	Steiner - 4			
	Betrix - 2			
	Panagiotopoulos - 3			
	Hofring - 3			
	First Columbia - 3			
	Deyo - 19		202 50	
	Bathwell - 3	13.50		
	45		277 50	

BOTHWELL, JAMES

Mr. James Bothwell appeared before the board for this proposal.

MR. TORLEY: Request for 19.04 ft. lot width and 5.85 ft. side yard/total side yard for construction of single-family residence on Mt. Airy Road in R-1 zone.

MS. CORSETTI: For the record, we sent out 23 notices.

MR. TORLEY: Let the record show there's no one in the audience on this matter.

MR. BOTHWELL: The last time I was here, you told me to take a bunch of pictures why I couldn't build on the back section of that, that's the edge where it goes down to the back, this is a coming down off the other road, there's a culvert that runs, that fills up that land with water every time it rains, the back land, and that's the top of the hill looking down.

MR. TORLEY: So these photographs indicate that the large width area off the road is essentially quite wet and I do not know, it's not shown on the map whether or not this is deeded as wetlands by DEC or State or Federal?

MR. BOTHWELL: It wasn't wet until they put the culvert in.

MR. KRIEGER: So, in other words, this is a 2.6 acre parcel but a large part of it is unbuildable?

MR. BOTHWELL: Yes.

MR. BABCOCK: Mr. Chairman, also at the preliminary meeting, the board was under the understanding that if Mr. Bothwell was to build his house in the bigger section, he wouldn't need any variances. Once we did look at this, we found out that he needed a variance anyway because of lot width, his lot width is measured from the front yard setback so it's measured in the small area.

MR. KRIEGER: Even with the house being back there, it would still be in this area?

MR. BABCOCK: That's correct.

MR. KANE: This is going to be in line with other homes in the area?

MR. BOTHWELL: That's why I set it back 80, 85 feet.

MR. BABCOCK: If you also look at the tax map, the lot on either side of it, this lot is 110 foot road frontage and the lot next to it is 117, the lot next to it on the opposite side is 110, so it's exactly the same size lot as what somebody else built on the road frontage.

MR. TORLEY: So this house would be in conformance with the other houses in the neighborhood both in setback and apparent road frontage?

MR. BABCOCK: That's correct.

MR. KANE: Won't create any water hazards or runoff in building the home?

MR. BOTHWELL: No.

MR. KRIEGER: Not over the top of any well or septic system, any sewer or water easement?

MR. BOTHWELL: No.

MR. KRIEGER: No, correct?

MR. BOTHWELL: Correct.

MR. TORLEY: Gentlemen, any other questions?

MR. KANE: Accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: I move we approve the request by James Bothwell for his variances to construct single family

August 13, 2001

43

home on Mt. Airy Road.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. CANE	AYE
MR. TORLEY	AYE

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 36

Request of JAMES W. BOTHWELL, JR.

for a VARIANCE of the Zoning Local Law to Permit:

SINGLE-family Residence of insufficient lot
width, side yard & total side yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - Col. D, F.

for property situated as follows:

MT. AIRY Rd, New Windsor, N.Y.

known and designated as tax map Section 54, Blk. 1 Lot 25, 22

PUBLIC HEARING will take place on the 13th day of August, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

Date 8/7/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
7/23/01	Zoning Board Mtg		75.00	
	Misc. - 2			
	Singh/Preet Deli - 4			
	20 th Century Towing - 6			
	Kolpan - 6			
	Lucas - 4 \$18.00			
	TNCo/First Columbia - 3			
	US Health/Quasar - 3			
	Pobles - 3			
	Picerno - 2			
	Bile - Tutor Time - 3			
	36		162.00	
			237.00	

LUCAS/BOTHWELL

MR. TORLEY: Request for 18 ft. lot width variance on vacant lot at 376 Mt. Airy Road in an R-1 zone.

Mr. James Bothwell appeared before the board for this proposal.

MR. BOTHWELL: Good evening, I'm Jim Bothwell, the address is 367.

MS. CORSETTI: 367?

MR. BOTHWELL: Yes, it's a vacant piece of land.

MS. CORSETTI: Okay, we'll have the number changed.

MR. BOTHWELL: Originally, it was supposed to have been a front yard variance, the lot, the piece I want to build a house on is 110 feet wide at the road side, I don't have maps, I'm supposed to have them but the surveyor doesn't really have them. But the front yard was 107 where I want to put the house and it changed to 105, I want to set the house back about 80 feet off the road. It's in line with most of the houses that are on the street right now.

MR. TORLEY: So this is basically sort of like a flag lot?

MR. BOTHWELL: No, no, this whole lot.

MR. TORLEY: This is what we call a flag lot, narrow and expands here, but you're putting your house on the narrow point?

MR. BOTHWELL: Yes, in line with the other homes and it comes and I, also according to the surveyor, it comes to about a 5.85 foot side yard variance also that I wasn't aware of at the time.

MS. CORSETTI: It's not on our paperwork.

MR. TORLEY: Mike, the 18 foot lot width variance is measured then at the point where the house is, the road

frontage is measured at the road frontage?

MR. BABCOCK: That's correct. Yeah, the road frontage in this zone is less than that, Larry, I think the road frontage is only 70 feet is required. Lot width is measured at the front yard setback which would be 35 feet from the front yard or 45 feet I should say back from the right-of-way line.

MR. TORLEY: So he needs 18 foot lot width variance and you said three foot.

MR. BOTHWELL: 5.85 side yard and comes to a 19.04 front yard.

MS. CORSETTI: We need to change this paperwork.

MR. TORLEY: Now, you gentlemen have copies of this?

MR. KANE: No.

MR. REIS: No, you see the house is going to the narrow point of the lot, it's 250 some feet to where it expands.

MS. CORSETTI: So it's 19.4 on here.

MR. BOTHWELL: 19.04.

MR. TORLEY: And it's 343 feet to where it expands out dramatically so in theory, you can put a 300 foot driveway and have a house with no problem.

MR. BOTHWELL: In theory.

MS. CORSETTI: What about the front yard setback, we don't need that, I mean, the street frontage cause it's a flag lot.

MR. BABCOCK: No, it's okay.

MS. CORSETTI: Mike, will you change these please?

MR. BABCOCK: I have no idea what to change it to.

MR. TORLEY: The gentleman by his survey is going to require 5.8 foot side yard variance at the house line and 19.04 foot lot width variance.

MR. KANE: Right.

MS. CORSETTI: Go back and see, will you tell him to change based on what you're bringing him to him, he'll change the numbers then he'll get a copy to me and we'll know what we're dealing with.

MR. BOTHWELL: Okay.

MR. TORLEY: The one thing I would like to know because we're required to give the minimum variances possible you have a lot where you could put the house that would meet all the codes. At the public hearing, I'd appreciate if you can tell us why you won't do it, would be economically infeasible for you to put the house where it meets all the codes.

MR. BOTHWELL: You mean on the back part?

MR. TORLEY: Yeah, you think it's wet or too hilly or something, some indication why the house has to be where you want to put it where it requires variances where it could sit on the lot without requiring variances.

MR. BOTHWELL: Well, it could sit on the back lot, what would be the front, how would you consider a front yard on that one?

MR. TORLEY: If this map is what you're talking about the large area there, there would be no problem, there would be many places you can put the house so at the public hearing, tell us why you have to put it where you want to put it.

MR. BOTHWELL: Okay.

MR. REIS: Ask you to show us on the tax map where you intend to put it.

MR. TORLEY: Sort of in the neck.

MR. BOTHWELL: Going to put it right here.

MR. KANE: And that runs in line with all the other houses?

MR. BOTHWELL: Yes.

MR. MC DONALD: Make a motion we set Mr. Bothwell up for a public hearing on his request for the 19.04 and 5.8 variances.

MR. BOTHWELL: 5.85.

MR. TORLEY: And 19.04.

MR. KANE: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. TORLEY: I would appreciate some photos of the lots.

MR. BABCOCK: You need to change the paperwork, give it back to Lou.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

July 26, 2001

James Bothwell
385 Mt. Airy Road
New Windsor, NY 12553

Re: 54-1-25.22

Dear Mr. Bothwell,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti,ZBA

2

54-1-22.1
Luann & Henry Kroll
335 Mt. Airy Road
New Windsor, NY 12553

54-1-22.2
Harold Baxter
354 Mt. Airy Road
New Windsor, NY 12553

54-1-23.1
Joseph Lasaponara
399 Mt. Airy Road
New Windsor, NY 12553

54-1-24
Chrystal & Harold Baxter
359 Mt. Airy Road
New Windsor, NY 12553

54-1-25
Victor Lucas
367 Mt. Airy Road
New Windsor, NY 12553

54-1-26
Kathleen & Michael McCormick
373 Mt. Airy Road
New Windsor, NY 12553

~~54-1-27
Karen & James Bothwell
385 Mt. Airy Road
New Windsor, NY 12553~~

54-1-28
Margaret & Angelo Sands
51 Spruce Street
Cornwall-on - Hudson, NY 12520

54-1-29
Rosa Anna & Angelo Zingaropoli
405 Mt. Airy Road
New Windsor, NY 12553

54-1-30
Michael Toll
420 Mt. Airy Road
New Windsor, NY 12553

54-1-31.1
Barbara & George Hall
408 Mt. Airy Road
New Windsor, NY 12553

54-1-31.2
Harold Baxter
505 Jackson Ave
New Windsor, NY 12553

54-1-32
Irmgard Koppenhoefer
250 Bethlehem Road
New Windsor, NY 12553

54-1-42
Carmela & Michael Ammirati
255 Bethlehem Road
New Windsor, NY 12553

54-1-43.1
Anita Tejada
394 Mt. Airy Road
New Windsor, NY 12553

54-1-43.21
Mary Alva
775 West Nyack Road
West Nyack, NY 10994

54-1-43.22
Gerrit Lydecker
33 Sweet Briar Road
Stamford, CT 06905

65-1-75.1
Anna Maria Reinhard & Edward Doering
436 Mt. Airy Road
New Windsor, NY 12553

65-1-75.2
Anna Gillick
442 Mt. Airy Road
New Windsor, NY 12553

65-1-76
Jet Park Sales, Inc.
P.O. Box 1742
Wappingers Falls, NY 12590

65-1-77
Karen & Richard Minutoli
424 Mt. Airy Road
New Windsor, NY 12553

65-1-82
Ada & Peter Collins
409 Mt. Airy Road
New Windsor, NY 12553

65-1-83.1
Cynthia & Bruce Lubkeman
417 Mt. Airy Road
New Windsor, NY 12553

65-1-83.2
Marion & Fred Fay
C/o Rosalie Ceriale
3 Carpenter Road
Rock Tavern, NY 12575

HILL-N-DALE ABSTRACTERS, INC.

20 Scotchtown Avenue Goshen, New York 10924
914/294-5110 Newburgh Tie Line 914/564-6150

ORDER CONFIRMATION # 29069

To: James W. and Karen M. Bothwell
385 Mt. Airy Rd.
New Windsor, NY 12553

7/19/01

Re: Application Dated 7/17/01 Due 8/07/01
Type: All Inclusive

Notes: All Municipals

Premises: Mt. Airy Rd.
Liber 5568 cp 70
New Windsor Township
ORANGE COUNTY

Lender: T.B.A.

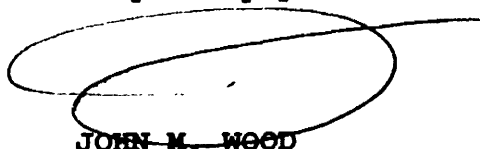
Instruments:

Mortgage: James W. Bothwell, Jr. and
Karen M. Bothwell
Amt: \$1.00
To: T.B.A.

its Successors and/or
Assigns

THANK YOU FOR YOUR ORDER.
PLEASE CONFIRM ANY CHANGES OR CORRECTIONS.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read "JOHN M. WOOD".

JOHN M. WOOD

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 6/29/01

Revised: 7/25/01

APPLICANT: James Bothwell
375 Mt. Airy Road
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/28/01

FOR : Victor C. Lucas

LOCATED AT: 367 Mt. Airy Road

ZONE: R-1 Sec/ Blk/ Lot: 54-1-25.22

DESCRIPTION OF EXISTING SITE: Vacant Land R-1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-12 Bulk Table R-1, D-5 and F-5

1. Minimum lot width required 125ft. Existing lot width 107ft variance required for 18ft.
2. Proposed side yard 14.15ft, requires 5.85ft variance.
3. Total side yard 40ft, requires 5.85ft variance.

*to be
revised*

Louis J. Kycheon
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: Proposed single family residence

MIN LOT AREA:

MIN LOT WIDTH: 125ft

105.96ft

19.04ft

REQ'D FRONT YD:

REQ'D SIDE YD: 20ft

14.15ft

5.85ft

REQ'D TOTAL SIDE TD: 40ft

34.15ft

5.85ft

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A.. APPLICANT. FILE. W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUN 28 2001

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises VICTOR LUCAS

Address 376 MT AIRY RD Phone # 567-9739

Mailing Address SAME AS ABOVE Fax # 567-9739

Name of Architect WLA

Address _____ Phone _____

Name of Contractor WLA

Address _____ Phone Cell * 914 805-5409
State whether applicant is owner, lessee, agent, architect, engineer or builder IS Being Done TO Satisfy LAW
If applicant is a corporation, signature of duly authorized officer. JAMES W BETHLEHEM
Week of July 1st 2001
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of MT. AIRY RD
(N, S, E or W)
and 800 feet from the intersection of MT AIRY & BETHLEHEM RD
2. Zone or use district in which premises are situated R1 Is property a flood zone? Y _____ N ✓
3. Tax Map Description: Section 54 Block 1 Lot 25.2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy VACANT b. Intended use and occupancy Res.
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee 1000.00
50 CASH

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

James W. McDowell
(Signature of Applicant)

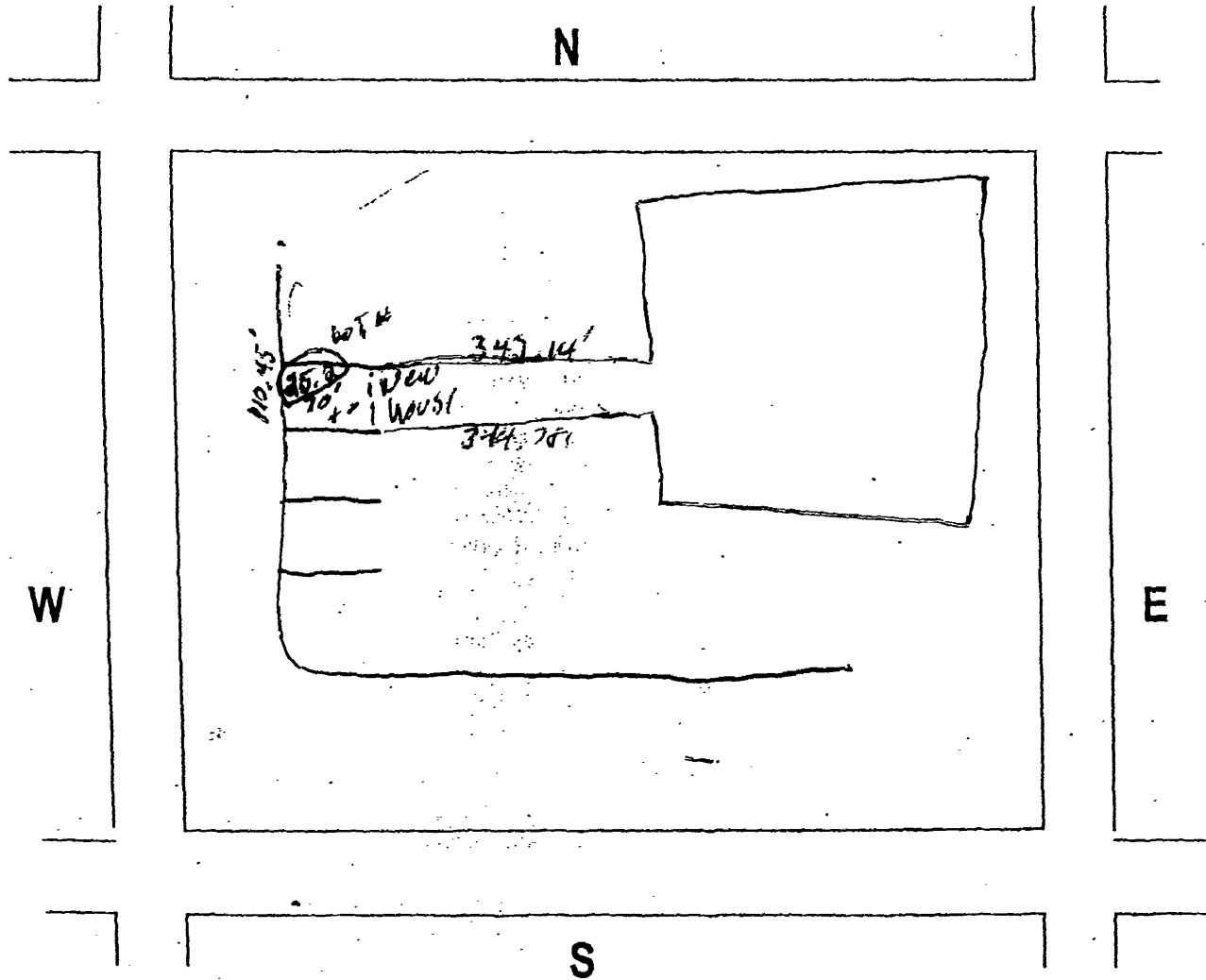
385 Mt Airy Rd
(Address of Applicant)

Michael L. Babcock
(Owner's Signature)

376 Mt Airy Rd
(Owner's Address)

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW 10 BUSINESS DAYS TO PROCESS

[illegible]

65

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

James Bothwell

AFFIDAVIT OF
SERVICE
BY MAIL

#01-36.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 31st day of July, 2001, I compared the 28
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-36.

Date: 07/27/01

I. Applicant Information:

- (a) JAMES W. BOTHWELL JR. 385 MT AIRY RD 567-9739
(Name, address and phone of Applicant) (Owner)
(b) _____
(Name, address and phone of purchaser or lessee)
(c) _____
(Name, address and phone of attorney)
(d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R1 MT AIRY RD 54-1-55-22 2.6 A
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? R2
(c) Is a pending sale or lease subject to ZBA approval of this application? NO
(d) When was property purchased by present owner? 2001
(e) Has property been subdivided previously? Yes
(f) Has property been subject of variance previously? NO
If so, when? _____
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes___ No___.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Built Regs., Col. D, F.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width <u>125 ft.</u>	<u>105.96 ft.</u>	<u>19.04 ft.</u>
Reqd. Front Yd.		
Reqd. Side Yd. <u>20 ft.</u>	<u>14.15 ft.</u>	<u>5.85 ft.</u>
Reqd. Rear Yd. <u>40 ft.</u>	<u>34.15 ft.</u>	<u>5.85 ft.</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

NOT CONFORMING PREEXISTING LOT

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Proposed single-family residence will upgrade the area since it is zoned R-1.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: July 27, 2001.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X James W. Bortone
(Applicant)

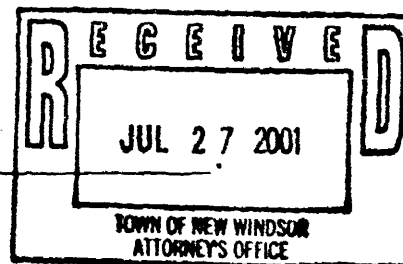
Sworn to before me this

27th day of July, 192001.

Patricia A. Corsetti
XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2001.



ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

Victor J. Lucas, Sr.

TO
James W. Bothwell, Jr. and
Karen M. Bothwell, Husband and
Wife

SECTION 54 BLOCK 1 LOT 25.22

RECORD AND RETURN TO:
(name and address)

FREDERICK GORSS, ESQ.
P. O. Box 389
Montgomery, N.Y. 12549



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED _____ MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	4289 MONTGOMERY (TN)
2001 WASHINGTONVILLE (VLG)	4201 MAYBROOK (VLG)
2289 CHESTER (TN)	4203 MONTGOMERY (VLG)
2201 CHESTER (VLG)	4205 WALDEN (VLG)
2489 CORNWALL (TN)	4489 MOUNT HOPE (TN)
2401 CORNWALL (VLG)	4401 OTISVILLE (VLG)
2600 CRAWFORD (TN)	4600 NEWBURGH (TN)
2800 DEERPARK (TN)	4800 NEW WINDSOR (TN)
3089 GOSHEN (TN)	5089 TUXEDO (TN)
3001 GOSHEN (VLG)	5001 TUXEDO PARK (VLG)
3003 FLORIDA (VLG)	5200 WALLKILL (TN)
3005 CHESTER (VLG)	5489 WARWICK (TN)
3200 GREENVILLE (TN)	5401 FLORIDA (VLG)
3489 HAMPTONBURGH (TN)	5403 GREENWOOD LAKE (VLG)
3401 MAYBROOK (VLG)	5405 WARWICK (VLG)
3689 HIGHLANDS (TN)	5600 WAWAYANDA (TN)
3601 HIGHLAND FALLS (VLG)	5889 WOODBURY (TN)
3889 MINISINK (TN)	5801 HARRIMAN (VLG)
3801 UNIONVILLE (VLG)	
4089 MONROE (TN)	
4001 MONROE (VLG)	
4003 HARRIMAN (VLG)	
4005 KIRYAS JOEL (VLG)	

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO PAGES _____ CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK _____
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ _____

TAX EXEMPT _____

Taxable
MORTGAGE AMT. \$ _____

DATE _____

MORTGAGE TAX TYPE:

____ (A) COMMERCIAL/FULL 1%
____ (B) 1 OR 2 FAMILY
____ (C) UNDER \$10,000
____ (E) EXEMPT
____ (F) 3 TO 6 UNITS
____ (I) NAT.PERSON/CR. UNION
____ (J) NAT.PER-CR.UN/1 OR 2
____ (K) CONDO

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: _____

ORANGE COUNTY CLERK'S OFFICE

CUSTOMER RECEIPT NUMBER: 39937 DATE: 07/09/2001

DEPARTMENT: 1 WORKER ID: MRL TIME: 04:38:26

VICTOR J LUCAS SR

59143 DEED EA 47.00 L.5568-70.

59143 ED FUND 5.00

FILED
ORANGE COUNTY CLERK
ORIGINAL RECORDED
2001 JUL -9 P 4:42

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 9th day of July, in the year 2001
BETWEEN Victor J. Lucas, Sr. 367 Mt. Airy Road, New Windsor,
New York, 12553

party of the first part, and James W. Bothwell, Jr. and Karen M. Bothwell,
Husband and Wife, 385 Mt. Airy Road, New Windsor, New York 12553

party of the second part,
WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying
and being in the Town of New Windsor, County of Orange and State of New
York, Being described of Schedule A attached hereto.

Tax Map
Designation

Dist.

Sec.

Lot(s)

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

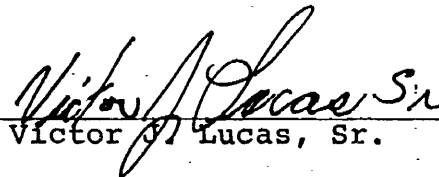
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



Victor J. Lucas, Sr.

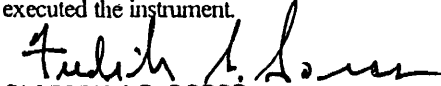
USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of **Orange** } ss.:

On the **9** day of **July** in the year **2001**

before me, the undersigned, personally appeared

Victor J. Lucas, Sr.
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



FREDERICK G. GORSS
Notary Public, State of New York
Qualified in Orange County
Registration #4600899

Commission Expires February 28, 2003

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY:

{New York Subscribing Witness Acknowledgment Certificate}

State of New York, County of } ss.:

On the day of in the year
before me, the undersigned, personally appeared

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number, if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of } ss.

On the day of in the year
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ACKNOWLEDGMENT FORM FOR USE OUTSIDE NEW YORK STATE ONLY:

{Out of State or Foreign General Acknowledgment Certificate}

..... } ss.:
{Complete Venue with State, Country, Province or Municipality}

On the day of in the year
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

{Insert the city or other political subdivision and the state or country or other place the acknowledgment was taken}.

BARGAIN & SALE DEED
WITH COVENANTS AGAINST GRANTOR'S ACTS

TITLE No. _____

TO

DISTRICT
SECTION
BLOCK
LOT
COUNTY OR TOWN

RECORDED AT REQUEST OF
Fidelity National Title Insurance Company of New York
RETURN BY MAIL TO

FIDELITY NATIONAL TITLE INSURANCE



COMPANY OF NEW YORK

INCORPORATED 1928

"Appreciate the Fidelity Difference"

Member New York State Land Title Association

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

All that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York as shown on a map entitled "Lot line change for Victor C. Lucas" dated February 1, 1990 and filed in the Office of the Orange County Clerk on August 24, 1990 as map #9876 and being more particularly bounded and described as follows:

Beginning at a point in the easterly line of Mt. Airy Road, said point being the southwesterly corner of lands now or formerly of Groh and the northwesterly corner of the herein described lt, thence the following two courses along lands now or formerly of Groh:

- 1) S 68°34'30" E, 342.14 feet, thence;
- 2) N 9°52'30" E, 101.53 feet to an iron pipe in a stone wall, thence;
- 3) S 65°43'30" E, 353.77 feet along a stone wall and along lands now or formerly of Baxter to a stone wall corner, thence;
- 4) S 27°35'00" W, 279.59 feet along a stone wall and along lands now or formerly of Fayo, thence;
- 5) N 59°06'30" W, 275.97 feet along lands now or formerly of Kraft, thence the following two courses along other lands of Lucas;
- 6) N 9°52'30" E, 76.90 feet, thence;
- 7) N 74°15'30" W, 344.78 feet, thence;
- 8) N 13°54'15" E, 110.49 feet along the easterly line of Mt. Airy Road to the point of beginning.

Containing 2.621 acres of land.